

## **REMARKS**

Claims 10 to 19 are pending in the application.

### **Information Disclosure Statement**

Applicant herewith submits the reference GB2150528 listed on the form PTO/SB/08a but inadvertently not submitted on 2006-08-10.

The undersigned apologizes for the oversight of not having included the reference at the time of submitting the Information Disclosure Statement.

It is respectfully requested that the reference be considered at this time.

### **Claim Rejections - 35 U.S.C. 112**

Claims 10-19 stand rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as invention. Claim 10 has been revised and is believed to now provide proper structural relationships.

Reconsideration and withdrawal of the rejection of the claims 10-19 are respectfully requested.

### **Rejection under 35 U.S.C. 102**

Claims 10-17 and 19 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Poten et al.* (US 5,249,907).

The invention claims a rolling device for a defective wheel of a motor vehicle. The rolling device has a carriage provided with rollers and adapted to receive a defective wheel to be driven onto the carriage. A belt has a first end fixedly and permanently connected to a first end of the carriage and a second end detachably connected to a second end of the carriage. A ramp is provided that has a first end that is detachably connected to the first end of the carriage and a second end that is opposite the first end and remote from the carriage, wherein the ramp is provided for driving the defective wheel onto the carriage. The belt has a first securing position in which the belt extends away from the first end of the carriage past the second end of the ramp, wherein the belt prevents the carriage from rolling away when a wheel drives along the extension of the belt onto the ramp. The belt

has a second securing position in which the belt extends from the first end of the carriage to the second end of the carriage and secures a defective wheel that is received on the carriage.

According to the present invention, the detachable ramp 6 is hooked from above onto the carriage 7. The belt 9, secured to the end of the carriage where the ramp is detachably mounted, is placed like a tail across the ramp 6 onto the ground 10 and extends past the ramp as shown in Fig. 3a. A vehicle having a defective wheel 2 rolls from the rear across the belt 9 in the direction toward the carriage 7. Since the carriage 7 is attached to the belt 9 and since the belt 9 is forced by the wheel 2 against the ground 10, the carriage and the connected ramp cannot roll away. The wheel 2 rolls thus on the belt 9 up the ramp 6 and drops into the depression of the carriage 7.

The belt 9 is then picked up and placed across the wheel 2 and attached to the other side of the carriage 7 for securing the wheel 2 on the carriage 7. The ramp is then removed again.

As disclosed in the specification (page 2, 3rd paragraph), the rolling device according to the invention is of a simple design and provides a belt with a dual function. The belt according to its first function prevents that the carriage when driving the wheel onto the carriage rolls away because the wheel rests on the belt that is placed on the ground. The carriage is thus secured by means of the belt in the proper drive-up position. The second function resides in that after having driven the wheel onto the carriage the belt is used to secure the wheel on the carriage by tightening the belt across the wheel. The present invention provides a rolling device for a defective wheel of a motor vehicle that has improved functionality.

*Poten et al.* discloses a carriage 1 with rollers 3, a pivotable ramp plate 4 and a clamping band 6. The ramp plate 4 is non-detachably mounted on the carriage 1. The ramp plate 4 is folded down (Fig. 3) for a defective wheel 30 to drive across into the well 2 of the carriage. Thereafter the ramp plate 4 is pivoted upwardly (Fig. 1) into a securing position for the wheel 30. The clamping band 6 (or 26 in col. 2, lines 55ff) is then hooked to the slot 25 of the ramp plate 4 and tightened by the oppositely positioned clamping device 7 so as to force the wheel 30 down into the well 2 (the tensioned band is shown in dashed lines in Fig. 1 extending near the bottom 34 of the rim 33).

This means that the band 2/26 is not fixedly attached to the carriage at the end where the ramp is located. It is fastened to the ramp end of the carriage 1 after the wheel is positioned in the well 2 by hooking it in the slot 25 of the ramp plate 4 and is then tensioned by means of the clamping device 7.

In the present invention the belt is fixedly attached to the carriage at the end where the ramp is detachably connected so that the belt can be extended away from the carriage in the same direction as the ramp so that the wheel travels on the belt and prevents the carriage from sliding or slipping.

There is not need in the device of *Poten et al.* to provide a belt or band for preventing that the carriage slips or slides when a wheel is driven across the ramp 4 into the well 2: the ramp plate 4 has brake shoes 21 that fix in place the rollers 3 when the ramp 4 is in the downward swung position (see Fig. 3; col. 2, lines 40-46, of *Poten et al.*).

*Poten et al.* does not show a belt secured fixedly to the ramp end of the carriage which belt serves as securing means for the wheel and also as a securing means for the drive-up position of the carriage itself. *Poten et al.* also does not show a detachable ramp.

Claim 10 and its dependent claims are therefore not anticipated or obvious in view of the cited reference.

### **Rejection under 35 U.S.C. 103**

Claim 18 stands rejected under 35 U.S.C. 103 (a) as being unpatentable over *Poten et al.*

Claim 10 is believed to be allowable and therefore claim 18 should also be allowable as a dependent claim.

### **CONCLUSION**

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or **e-mail** from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees

required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on October 28, 2008,

/Gudrun E. Hockett/

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